S.B. CIVIL WRIT PETITION NO.3650/1995.

EXECUTIVE OFFICER, MUNICIPAL BOARD, SURATGARH
VS.
RANJEET RAM AND OTHERS

DATE OF ORDER : 04.04.2007.

HON'BLE MR. GOVIND MATHUR, J.

None present for the petitioner.
Mr. D.K. Parihar for the respondent- workman.

By this petition for writ, a challenge is given to the award dated 01.10.1994 passed by Industrial Tribunal, Bikaner in Industrial Dispute Case No. 109/1990.

In brief, facts of the case are that the appropriate government by its notification dated 30.11.1990 referred an industrial dispute for its adjudication to the Industrial Tribunal, Bikaner in the terms as to whether not to grant regular pay scale to the workman Shri Ranjeet Ram, Lower Division Clerk w.e.f. 25.09.1986 is legal and justified? If not, then for what relief the workman is entitled?

The workman entered in the services of the petitioner Municipal Board on 25.01.1986 as Lower Division Clerk on daily rate basis. Being aggrieved by the same, a dispute was raised by the workman with regard to grant of wages to him in regular pay scale. During the pendency of the dispute, the

services of the workman were regularized by the employer w.e.f. 21.09.1990. In view of the regularization of the services of the workman w.e.f. 21.09.1990 made by the employer, the question before the Tribunal for adjudication was for the grant of regular pay scale w.e.f. 25.01.1986 to 21.09.1990.

The learned Industrial Tribunal held that to continue the workman on casual basis or on temporary basis despite availability of regular work with an object of depriving him the status and privilege of a permanent workman, amounts to unfair labour practice. The Labour Court on the count mentioned above, while answering the reference ordered for grant of regular pay scale to the workman w.e.f. 25.09.1986 i.e. the date of his initial appointment.

Heard learned counsel for the respondent workman and also examined the award impugned.

I do not find any error in the award impugned to the extent it answers the reference that to continue the workman on casual basis or on temporary basis despite availability of regular work with an object to deprive him from the benefits attached with a permanent work, would amount to unfair labour practice, however, the Labour Court while giving relief to the workman

has allowed the regular pay scale as well as all other benefits attached with the regular pay scale to the respondent workman w.e.f. 25.09.1986. The grant of annual grade increments attached with the regular pay scales are required to be given to an employee with the respondent Municipal Board in accordance with Rule 29 of the Rajasthan Civil Service Rules, 1951. Beside that, the services of such workman are governed under Rajasthan Municipal (Subordinate and Ministerial Service) Rules, 1963, therefore, the Labour Court in the circumstances at the most could have granted minimum regular pay scale to the workman from the date of his initial appointment to maintain parity in pay on basis of the principle of equal pay for equal work.

In view of it, this petition for writ is allowed in part. The award impugned dated 01.10.1994 is modified by directing the petitioner Municipal Board to allow the respondent workman minimum of the regular pay scale pertaining to the post of Lower Division Clerk w.e.f. 25.09.1986 with all admissible allowances including dearness allowance.

No order to cost.

(GOVIND MATHUR)J.

Anil/